

IN THE COURT OF CRIMINAL APPEALS  
 OF TEXAS

JOSHUA GOLLIDAY,  
 APPELLANT

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FILED  
 COURT OF CRIMINAL APPEALS  
 8/3/2017  
 DEANA WILLIAMSON, CLERK

V.

NO.

THE STATE OF TEXAS,  
 APPELLEE

MOTION FOR EXTENSION OF TIME FOR FILING OF STATE'S  
PETITION FOR DISCRETIONARY REVIEW

TO THE HONORABLE COURT OF CRIMINAL APPEALS:

The State requests that the Court grant an extension for thirty (30) days until September 27, 2017, to file the State's petition for discretionary review. The following allegations are made in support of this motion:

I.

The trial court is the 371<sup>st</sup> District of Tarrant County, Texas, the Honorable Vicki Isaaks, presiding. The style and number of the case in the trial court are: State of Texas v. Joshua Golliday, No. 1379815D.

II.

Appellant was charged with Sexual Assault. CR. I-6. Appellant pled not guilty. CR. I-113. Appellant was found guilty by the jury.

CR. I-113. Appellant was sentenced to two years. CR. I-113.  
Judgment was entered on October 22, 2015. CR. I-113.

### III.

On October 13, 2016 the court of appeals issued a panel decision reversing Appellant's conviction. Golliday v. State, No. 02-15-00416-CR, 2016 WL 5957022 (Tex.App. -- Fort Worth Oct. 13, 2016, no. pet. h.) (mem. op., not designated for publication). On July 27, 2017 the court of appeals issued a new *en banc* published opinion on the State's motion for reconsideration *en banc*. Golliday v. State, \_\_ S.W.3d. \_\_, No. 02-15-00416-CR, 2017 WL 3196479, at \*1 (Tex.App. -- Fort Worth July 27, 2017, no pet. h.) (*en banc* 5-4).

The State's petition for discretionary review is therefore due on Monday, August 28, 2017. See TEX. R. APP. P. 68.2(a). This is the State's first motion for extension of time to file a petition for discretionary review. The State requests an extension of 30 days for the filing of the State's petition for discretionary review.

### IV.

In the month of August, counsel intends to file briefs in: (1) Brown v. State, No. 08-17-00082-CR; (2) In the Interest G.H., No. 02-17-00193-

CV; (3) In the Interest of S.H., No. 02-17-00188-CV (a joint trial with In the Interest of G.H. but involving a different appellant and different child); and (4) Lester v. State, No. 02-16-00288-CR. Counsel must also file (1) findings of fact in the habeas application in Ex parte Haywood, No. C-1-011010-1283862-A; and (2) an answer to the habeas application in Ex parte Montelongo, No. C-2-011116-142669-A.

Counsel will be on vacation from August 22, 2017 through August 30, 2017.

#### V.

This extension is not requested for purposes of delay, but to adequately present to this court the reason it should review and reverse the court of appeals decision. In light of the press of other cases, and the time needed to properly review, reflect upon, and respond to the court of appeals opinion, which involves complex constitutional and evidentiary issues, the State prays for additional time in which to prepare and file its petition for discretionary review. See TEX. R. APP. P. 68.2(c) (“The Court of Criminal Appeals may extend the time to file a petition for discretionary review if a party files a motion . . . no later than 15 days after the last day for filing the petition”).

Therefore, the State prays that this Court grant State's Motion for Extension of Time for Filing a Petition for Discretionary Review and extend the time for filing of the State's petition to September 27, 2017.

Respectfully submitted,

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/s/ David M. Curl  
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CERTIFICATE OF COMPLIANCE

There are 516 words in the portions of the document covered by TEX. R. APP. P. 9.4(i)(1).

/s/ David M. Curl  
DAVID M. CURL, Assistant  
Criminal District Attorney

## CERTIFICATE OF SERVICE

A copy of the “State’s Motion for Extension of Time to File Petition for Discretionary Review” has been electronically sent to appellate counsel for Appellant Joshua Golliday, Mr. Don Hase, at [DHnotices@ballhase.com](mailto:DHnotices@ballhase.com), on the 3rd day of August, 2017.

/s/ David M. Curl  
DAVID M. CURL, Assistant  
Criminal District Attorney